



# BOARD OF ADJUSTMENT

**MARICOPA COUNTY**  
**Board of Supervisors' Auditorium**  
**205 W. Jefferson Street**  
**Phoenix, Arizona**

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## **Agenda**

### **July 9, 2003**

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**Call To Order** 10:00 a.m. in the Board of Supervisors' Auditorium, 205 West Jefferson Street, Phoenix, Arizona.

**Roll Call** Board of Adjustment members

**Announcements** This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

Maricopa County has an aggressive strategy to provide accessibility for all citizens to its programs, activities, and services, as required by the Americans with Disabilities Act (ADA). A sign language interpreter, alternative format materials, or infrared assisted listening devices are available with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request.

The Staff Reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board of Adjustment meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Upon approval of a request, the applicant should be advised that the authority of the Board of Adjustment is established, governed and limited by the provision of ARS §11-807 and has to do with Planning and Zoning Ordinances and standards of Maricopa County. The Board does not purport to settle or determine or advise concerning other matters that may have application to rights to use real property.

All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

A transcript of the Maricopa County Board of Adjustment meeting of this date may be found in the mechanical recording made by a tape recorder. Said transcript is entitled "Board of Adjustment Minutes - Month, Day of Hearing, Year," and is on file for 6 months following the hearing in the office of the Maricopa County Department of Planning and Development. Copies of the tapes will be made at no charge upon request provided that 90-minute tapes are furnished.

Every witness for a Variance, Interpretation or Temporary Use Permit shall be limited to a maximum of 10 minutes. Rebuttal by the applicant shall be limited to a maximum of 5 minutes.

**Standard  
Conditions**

**All agenda items shall be subject to the following:**

- 1) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements and Building Safety codes.
- 2) General compliance with the site plan submitted with the application.
- 3) All required building permits shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to obtain any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval, except for Appeals of Temporary Use Permits for temporary housing, which may allow two years to complete construction from date of approval.
- 4) All conditions set forth by the Board of Adjustment shall be complied with prior to the Department of Planning and Development finalizing any building permit or issuing a Certificate of Occupancy, whichever is applicable.

**Consent Agenda**

Items listed on the Consent Agenda are considered routine by the Board of Adjustment and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and be held for public hearing as indicated on this Agenda if a Board member or a citizen so desires.

**CONSENT AGENDA**

**1. BA 2003069**

**District 1**

**Applicant:** B&R engineering, Inc. for Brian Hill  
**Address:** 23831 S. Angora Court (Sun Lakes area)  
**Zoning:** R1-6 R.U.P.D.  
**Request:** Variance to permit an existing single-family residence to setback 4.2 feet from the side (northeast) property line where 5 feet is the minimum required in the R1-6 R.U.P.D. zoning district (0.29 acres).

2.     **BA 2003080**           **District 3**
- Applicant:**       Robert James Anderson  
      **Address:**       44622 N. 20<sup>th</sup> Street (New River area)  
      **Zoning:**         Rural-43  
      **Request:**        Variance to permit a proposed single-family residence to setback 40 feet from the front (north) property line where 60 feet is the minimum required in the Rural-43 zoning district (2.27 acres).
3.     **BA 2003084**           **District 1**
- Applicant:**       Terry Thomas for Dave Frye  
      **Address:**       2523 W. Palomino Drive (Chandler area)  
      **Zoning:**         Rural-43  
      **Request:**        Variance to permit a proposed building separation distance of 10'-4" where 15 feet is the minimum required in the Rural-43 zoning district (0.27 acres).
4.     **BA 2003088**           **District 5**
- Applicant:**       Tracey & Lara Batie  
      **Address:**       22825 W. Eagle Mountain Road (Buckeye area)  
      **Zoning:**         Rural-43  
      **Request:**        Variance to permit a proposed private driveway to be constructed on 100% fill where 33% fill is the maximum allowed (10.08 acres).

**WITHDRAWN CASES**

5.     **BA 2003081**           **District 4   (withdrawn)**
- Applicant:**       Sonja Kennedy  
      **Address:**       14413 W. Las Brisas Lane (Sun City West area)  
      **Zoning:**         R1-6 S.C./R.U.P.D.  
      **Request:**        Variances to permit 1) a proposed detached accessory structure (casita) to setback 7 feet from the front (north) property line where 20 feet is the minimum required; and 2) a proposed building separation distance of 7 feet where 10 feet is the minimum required (0.21 acres).

6.     **TU 2003015**                   **District 4**                   **(withdrawn)**
- Applicant:**           Tim Kunch  
**Address:**            11320 E. Yearling Road, (Peoria area)  
**Zoning:**             Rural-43  
**Request:**            Appeal of a Temporary Use Permit to allow a temporary residence (travel trailer) during construction of a permanent residence (1.13 acres).

**CONTINUED CASES**

7.     **BA 2003016**                   **District 4**     **(continue to August 20, 2003)**
- Applicant:**           Dale Cline  
**Address:**            6602 North 181<sup>st</sup> Avenue (Waddell area)  
**Zoning:**             Rural-43  
**Request:**            Variance to permit an existing detached accessory structure (garage/dwelling) to setback 17 feet from the side (north) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.99 acres).
8.     **BA 2003021**                   **District 2**
- Applicant:**           Rick W. Palmer  
**Address:**            2805 N. 88<sup>th</sup> Street (Mesa area)  
**Zoning:**             R1-35  
**Request:**            Variances to permit: 1) a lot width of 124.22 feet where 145 feet is the minimum required; and 2) a lot area of 30,013-sq. ft. where 35,000-sq. ft. is the minimum required in the R1-35 zoning district (0.67 acres).
9.     **BA 2003058**                   **District 4**
- Applicant:**           Michael C. Wilson  
**Address:**            13717 W. Luke Avenue (Litchfield Park area)  
**Zoning:**             R1-8 R.U.P.D.  
**Request:**            Variance to permit a proposed addition to an existing single-family residence (patio cover) to setback 9 feet from the rear (south) property line where 20 feet is the minimum required (0.17 acres).

**10. BA 2003065 District 4 (continue)**

**Applicant:** Buzzz Miller  
**Address:** 9037 W. Williams Road (Peoria area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing lot area of 37,830-sq. ft. where 43,560-sq. ft. is the minimum required in the Rural-43 zoning district (0.87 acres).

**11. BA 2003066 District 1**

**Applicant:** Mark Borushko for MB Group L.L.C.  
**Address:** 25015 S. McQueen Road (Chandler area)  
**Zoning:** Ind-2  
**Request:** Finding and Resolution of Record that a landscape material storage and wholesale business is equal to or less intense than a truck terminal (including service and storage) and can be considered to be a legal, non-conforming use in the Ind-2 zoning district.

**REGULAR AGENDA**

**12. BA 2003045 District 4**

**Applicant:** Daniel A. Magee  
**Address:** 2329 North 103<sup>rd</sup> Drive (Avondale area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed lot coverage of 17% where 15% is the maximum lot coverage allowed (1.0 acre).

**13. BA 2003056 District 3 (continue to August 20, 2003)**

**Applicant:** William & Nancy Kuersten  
**Address:** 233 E. Briles (north Phoenix area)  
**Zoning:** Rural-43  
**Request:** Variances to permit: 1) an existing single-family residence to setback 52 feet from the front (west) property line where 73 feet is the minimum required; and 2) an existing single-family residence to setback 14 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (2.73 acres).

- 14. BA 2003068 District 1**
- Applicant:** Flint & Cindy Conant  
**Address:** 13425 S. 154<sup>th</sup> Street (Gilbert area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed detached accessory structure (garage) to setback 11 feet from the side (north) property line where 30 feet is the minimum required (1.1 acres).
- 15. BA 2003070 District 2**
- Applicant:** Paul Walker for Marc & Cynthia Lessow  
**Address:** 42638 N. Deer Trail Road (Cave Creek area)  
**Zoning:** R1-35  
**Request:** Variance to permit a proposed hillside area disturbance of 40.7% where 20% is the maximum hillside disturbance allowed in the R1-35 zoning district (1.7 acres).
- 16. BA 2003071 District 3**
- Applicant:** S. Anne Smith  
**Address:** 27813 N. 44<sup>th</sup> Street (north Phoenix area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing detached accessory structure (barn) to setback 16 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (5.52 acres).
- 17. BA 2003072 District 3**
- Applicant:** Steven & Cynthia Booth  
**Address:** 4528 E. Bajada Road in the (north Phoenix area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed lot width of 141.36 feet where 145 feet is the minimum required in the Rural-43 zoning district (1.0 acre).

**18. BA 2003073**

**District 1**

**Applicant:**

Tina Jo White for Smith Family Partnership

**Address:**

23205 S. 132<sup>nd</sup> Street (Chandler area)

**Zoning:**

Rural-43

**Request:**

Variances to permit 1) an existing single-family residence to setback 24 feet from the front (west) property line where 80 feet is the minimum required, 2) an existing accessory structure (hay barn) to setback 10 feet from the side (south) property line where 30 feet is the minimum required; and 3) an existing building separation distance of 3 feet where 15 feet is the minimum required in the Rural-43 zoning district.

**19. BA 2003074**

**District 4 (continue to August 20, 2003)**

**Applicant:**

Leo Petruzzella

**Address:**

8731 W. Daley Lane (Peoria area)

**Zoning:**

Rural-43

**Request:**

Variances to permit 1) a proposed detached accessory structure to setback 15 feet from the side (east) property line where 30 feet is the minimum required; 2) a proposed building separation distance of x feet where 15 feet is the minimum required, 3) an existing detached accessory structure (horse shade) to setback 4 feet from the side (west) property line where 30 feet is the minimum required, 4) an existing detached accessory structure (horse shade) to setback 4 feet from the side (west) property line where 30 feet is the minimum required; and 5) an existing building separation distance of 6 feet where 15 feet is the minimum required in the Rural-43 zoning district (1.17 acres).

**20. BA 2003075**

**District 2**

**Applicant:**

Myrl E. Larson

**Address:**

9340 E. Duncan Street (east Mesa area)

**Zoning:**

R1-8

**Request:**

Variances to permit 1) an existing detached accessory structure (shed) to setback 4 feet from the side (west) property line where 7 feet is the minimum required; and 2) an existing building separation distance of 3'-5" where 15 feet is the minimum required in the R1-8 zoning district (0.21 acres).

- 21. BA 2003076 District 1**
- Applicant:** Woodie & Laurie Cleveland  
**Address:** 11233 E. Bellflower Court (Chandler area)  
**Zoning:** Rural-43 R.U.P.D.  
**Request:** Variance to permit a proposed detached accessory structure (auxiliary building/garage) to setback 20 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.0 acre).
- 22. BA 2003077 District 5**
- Applicant:** Cheryl R. Hibbert  
**Address:** 4036 W. Carver Road (Laveen area)  
**Zoning:** Rural-43  
**Request:** Variance to permit an existing detached accessory structure (barn) to setback 6 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.3 acres).
- 23. BA 2003078 District 3**
- Applicant:** Marvin & Donna Skiles  
**Address:** 37615 N. 12<sup>th</sup> Street (Desert Hills area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed detached accessory structure (garage) to setback 6 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district (1.16 acres).
- 24. BA 2003079 District 5 (continue to August 20, 2003)**
- Applicant:** Robert & Shy Schroder  
**Address:** 20025 W. Fairview Street (Goodyear area)  
**Zoning:** Rural-43  
**Request:** Variance to permit a proposed hillside disturbance of 28.7% where 15% is the maximum allowed in the Rural-43 zoning district (2.7 acres).



**25. TU2003028      District 5    (continue to August 20, 2003)**

**Applicant:** Stevan W. Webb  
**Address:** 10601 S. 541<sup>st</sup> Avenue (Harquahala area)  
**Zoning:** Rural-43  
**Request:** Appeal of a Temporary Use Permit to allow a temporary residence (travel trailer) during construction of a permanent residence.

**Minutes:** January 15, 2003; February 12, 2003; March 12, 2003

**Other Business:** Discuss posters  
Discussion item: Case BA2003043 – The property owner is requesting that the Board re-hear this case.

**Adjournment**